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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jennifer L. West and Kristyn Simcha Bohl

Serial No.: 09/653,406

Group Art Unit: Not yet assigned

Filed: September 1, 2000

Examiner: Not yet assigned

For: *NITRIC OXIDE-PRODUCING HYDROGEL MATERIALS*

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL OF DECLARATION FOR PATENT APPLICATION,  
STATEMENTS CLAIMING SMALL ENTITY STATUS,  
STATEMENT UNDER 37 C.F.R. § 3.73(b), AND REQUEST FOR REFUND**

Sir:

Applicants enclose the following for filing in the above-identified application:

1. Declaration for Patent Application executed by Jennifer L. West and Kristyn Simcha Bohl;
  2. Statement Claiming Small Entity Status (37 C.F.R. §§ 1.9(f) and 1.27(d) --- Nonprofit Organization) executed by assignee Rice University;
  3. Statement Claiming Small Entity Status (37 C.F.R. §§ 1.9(f) and 1.27(c) --- Small Business Concern) executed by licensee BioCure, Inc.;
  4. Statement Under 37 C.F.R. § 3.73(b) executed by Rice University, with attached copy of the executed Assignment from Jennifer L. West and Kristyn Simcha Bohl to Rice University;
- and

11/09/2000 GTEFFERA 00000097 09653406

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65.00 OP

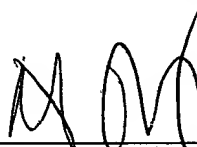
5. Check in the amount of \$65.00 for the small entity surcharge for late filing the Declaration for Patent Application.

Applicants have not yet received the Notice to File Missing Parts of Nonprovisional Application.

Applicants respectfully request a 50% refund of the \$1,472.00 filing fee in the application, a total of \$736.00, pursuant to 37 C.F.R. § 1.28.

Please charge any other fees due, or credit any overpayment, in connection with this matter to Deposit Account No. 01-2507. A duplicate of this transmittal is enclosed to facilitate this process.

Respectfully submitted,



---

Robert A. Hodges  
Reg. No. 41,074

Date: November 1, 2000

ARNALL GOLDEN & GREGORY, LLP  
2800 One Atlantic Center  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3450  
404-873-8796  
404-873-8797 (fax)

U.S.S.N.: 09/653,406  
Filed: September 1, 2000  
TRANSMITTAL OF DECLARATION FOR  
PATENT APPLICATION, STATEMENTS CLAIMING  
SMALL ENTITY STATUS, STATEMENT UNDER  
37 C.F.R. § 3.73(b), AND REQUEST FOR REFUND



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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this Transmittal of Declaration for Patent Application, Statements Claiming Small Entity Status, Statement Under 37 C.F.R. § 3.73(b), and Request for Refund, together with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231.

Chandra Russell  
Chandra Russell

Date: November 1, 2000



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Please use a plus sign (+) inside this box → ☐

PTO/SB/01 (12-97)  
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b> <b>(37 CFR 1.63)</b>  <input type="checkbox"/> Declaration Submitted with Initial Filing      OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	<b>Attorney Docket Number</b>	RICE 100
	<b>First Named Inventor</b>	Jennifer L. West
	<b>COMPLETE IF KNOWN</b>	
	<b>Application Number</b>	09 / 653,406
	<b>Filing Date</b>	September 1, 2000
	<b>Group Art Unit</b>	
	<b>Examiner Name</b>	

**As a below named inventor, I hereby declare that:**

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**NITRIC OXIDE-PRODUCING HYDROGEL MATERIALS**

the specification of which (Title of the Invention)

☐ is attached hereto  
OR  
☒ was filed on (MM/DD/YYYY) **09/01/2000** as United States Application Number or PCT International Application Number **09/653,406** and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

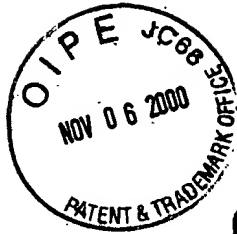
I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	
60/152,054	09/02/1999	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Filed: September 1, 2000

NITRIC OXIDE-PRODUCING HYDROGEL MATERIALS

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION — Utility or Design Patent Application**

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SI/02D attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☐ Customer Number 

OR

☒ Registered practitioner(s) name/registration number listed below

Place Customer Number Bar Code Label here

Name	Registration Number	Name	Registration Number
Patrea L. Pabst	31,284		
Robert A. Hodges	41,074		
Kevin W. King	42,737		

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.Direct all correspondence to: ☐ Customer Number  or Bar Code LabelOR ☒ Correspondence address below

Name	Patrea L. Pabst				
Address	Arnall Golden & Gregory, LLP				
Address	2800 One Atlantic Center, 1201 West Peachtree Street				
City	Atlanta	State	GA	ZIP	30309-3450
Country	United States	Telephone	(404)873-8794	Fax	(404)873-8795

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any))		Family Name or Surname			
Jennifer L.		West			
Inventor's Signature				Date	11/1/00
Residence: City	Houston Pearland	State	TX	Country	USA
Post Office Address	3523 Senova Drive				
Post Office Address					
City	Pearland	State	TX	ZIP	77584
				Country	USA

☒ Additional inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

Filed: September 1, 2000

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<b>DECLARATION</b>	<b>ADDITIONAL INVENTOR(S)</b> Supplemental Sheet Page <u>1</u> of <u>1</u>
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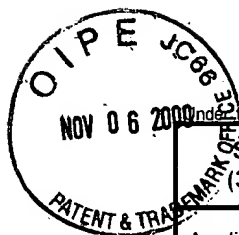
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))				Family Name or Surname			
Kristyn Simcha				Bohl			
Inventor's Signature						Date	10/21/00
Residence: City	Houston	State	TX	Country	USA	Citizenship	US
Post Office Address 4065 S. Braeswood, Apt. 243							
Post Office Address							
City	Houston	State	TX	ZIP	77025	Country	USA
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))				Family Name or Surname			
Inventor's Signature						Date	
Residence: City		State		Country		Citizenship	
Post Office Address							
Post Office Address							
City		State		ZIP		Country	
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor					
Given Name (first and middle (if any))				Family Name or Surname			
Inventor's Signature						Date	
Residence: City		State		Country		Citizenship	
Post Office Address							
Post Office Address							
City		State		ZIP		Country	

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PTO/SB/11 (12-97)

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# STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) & 1.27(d))--NONPROFIT ORGANIZATION

Docket Number (Optional)  
 RICE 100

Applicant, Patentee, or Identifier: Jennifer L. West and Kristyn Simcha Bohl  
 Application or Patent No.: 09/653,406  
 Filed or Issued: September 1, 2000  
 Title: NITRIC OXIDE-PRODUCING HYDROGEL MATERIALS

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION Rice University  
 ADDRESS OF NONPROFIT ORGANIZATION 6100 Main  
Houston, Texas 77005

## TYPE OF NONPROFIT ORGANIZATION:

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- ☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))
- ☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
 (NAME OF STATE \_\_\_\_\_ )  
 (CITATION OF STATUTE \_\_\_\_\_ )
- ☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))  
 IF LOCATED IN THE UNITED STATES OF AMERICA
- ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
 (NAME OF STATE \_\_\_\_\_ )  
 (CITATION OF STATUTE \_\_\_\_\_ )

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

I hereby state that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.  
☒ each such person, concern, or organization is listed below.

BioCure, Inc.; 2975 Gateway Drive, Suite 100, Norcross, Georgia 30071

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING DARYL S. Boudreaux, Ph.D.  
 TITLE IN ORGANIZATION OF PERSON SIGNING Director, Office of Technology Transfer  
 ADDRESS OF PERSON SIGNING Rice University MS-705, 6100 MAIN ST, Houston, TX  
 SIGNATURE [Signature] DATE November 1, 2000

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**STATEMENT CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN**

Docket Number (Center)  
RICE 100 TECH CENTER 100/2900

Applicant, Patentee, or Identifier: Jennifer L. West and Kristyn Simcha Bohl

Application or Patent No.: 09/653,406

Filed or Issued: September 1, 2000

Title: NITRIC OXIDE-PRODUCING HYDROGEL MATERIALS

I hereby state that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN BioCure, Inc.

ADDRESS OF SMALL BUSINESS CONCERN 2975 Gateway Drive, Suite 100  
Norcross, Georgia 30071

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.  
☒ each such person, concern, or organization is listed below.

Rice University; 6100 Main, Houston, Texas 77005

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Andrew Maslaveckas

TITLE OF PERSON IF OTHER THAN OWNER Chief Operating Officer

ADDRESS OF PERSON SIGNING 2975 Gateway Dr., Suite 100, Norcross, GA

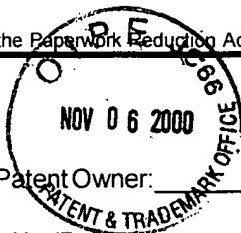
SIGNATURE [Signature] DATE November 1, 2000

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**STATEMENT UNDER 37 CFR 3.73(b)**

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Applicant/Patent Owner: Jennifer L. West and Kristyn Simcha Bohl

Application No./Patent No.: 09/653,406 Filed/Issue Date: September 1, 2000

Entitled: NITRIC OXIDE-PRODUCING HYDROGEL MATERIALS

Rice University, a University

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

November 1, 2000

Date

Daryl S. Boudreaux  
Signature

Daryl S. Boudreaux, Ph.D.  
Typed or printed name

Director, Office of Tech. Transfer  
Title

## ASSIGNMENT

We, Jennifer L. West of 3523 Senova Drive, Pearland, Texas 77584, and Kristyn Simcha Bohl of 4065 S. Braeswood #243, Houston, Texas 77025, in consideration of ten dollars and other valuable consideration paid to us by Rice University, a corporation of the State of Texas, having its principal place of business at 6100 Main, Houston, Texas 77005, the receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto said Rice University, its successors and assigns, the entire interest for the United States of America, and its territories and all foreign countries and jurisdictions, including all rights of priority under the International Convention for the Protection of Industrial Property, in a certain invention or improvement in "*Nitric Oxide-Producing Hydrogel Materials*" described in U.S. Application Serial No. 09/653,406 filed in the United States Patent and Trademark Office on September 1, 2000, by Jennifer L. West and Kristyn Simcha Bohl, which claims priority to U.S. Provisional Application Serial No. 60/152,054 filed in the United States Patent and Trademark Office on September 2, 1999, and in all Letters Patent of the United States and its territories and all foreign countries and jurisdictions which may or shall be granted on said invention, or any parts thereof, or on said application, or any provisional, divisional, continuation, continuation-in-part, reissue, or other applications based in whole or in part thereon. And we agree, for ourselves and our executors and administrators, with said corporation and its successors and assigns, but at its or their expense or charges, hereafter to execute all applications, amended specifications, deeds or other instruments, and to do all acts necessary or proper to secure the grant of Letters Patent in the United States and its territories and in all other foreign countries and jurisdictions to said corporation, with specifications and claims in such form as shall be approved by the counsel of said corporation, and to vest and confirm in said corporation, its successors and assigns, the legal title to all such patents.

Title: "Nitric Oxide-Producing Hydrogel Materials"  
By: Jennifer L. West and Kristyn Simcha Bohl  
Filed: September 1, 2000  
ASSIGNMENT

And we do hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said corporation, its successors and assigns.

WITNESS my hand and seal this 1<sup>st</sup> day of November, 2000.

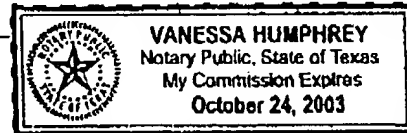
  
Jennifer L. West

State of Texas )  
County of Harris )

Then personally appeared the above named Jennifer L. West and acknowledged the foregoing instrument to be her free act and deed, before me this 1<sup>st</sup> day of November, 2000.

  
Notary Public

My Commission expires: 10-24-03



Title: "Nitric Oxide-Producing Hydrogel Materials"  
By: Jennifer L. West and Kristyn Simcha Bohl  
Filed: September 1, 2000  
ASSIGNMENT

WITNESS my hand and seal this 31<sup>st</sup> day of October, 2000.

Kristyn Simcha Bohl  
Kristyn Simcha Bohl

State of Texas )  
County of Harris )

Then personally appeared the above named Kristyn Simcha Bohl and  
acknowledged the foregoing instrument to be her free act and deed, before me this  
31<sup>st</sup> day of October, 2000.

Philippa C. Angelides  
Notary Public

My Commission expires: 11-01-2000

